

### **REMARKS/ARGUMENTS**

The office action of September 16, 2006, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-3, 5, 6, 8, and 20 have been amended to further clarify the scope of protection. Claims 11-19 and 28 have been canceled without prejudice or disclaimer. Claims 30 and 31 have been added. Claims 1-6 and 8-10, 20-27, and 29-31 remain pending.

#### ***Request for Examiner Interview to Place Case in Condition for Allowance***

Upon review of this amendment and the arguments presented herein, if the examiner believes that an examiner's amendment may expedite placing the case in condition for allowance, the examiner is kindly request to contact Applicants' undersigned representative at 202-824-3153.

#### ***Applicants' Interview Summary***

Applicants thank examiner Layno for the courtesies extended during the in-person interview of September 28, 2006, between Applicants, Applicants' undersigned counsel, and examiner Layno. Applicants agree with and adopt the Interview Summary provided by examiner Layno, in conjunction with the below remarks, as an accurate summary of the substance of the interview pursuant to 37 C.F.R. § 1.133.

#### ***Claim Rejections***

Claims 1, 3-6, 8-10, and 20-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Awada (U.S. Pat. No. 6,478,675) in view of Webb (U.S. Patent No. 5,685,774) and Scarne. Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Awada, Webb, Scarne, and Scott. Applicants respectfully traverse.

Applicants have amended claim 1 to clarify that the comparison of the player's best four card hand as against the dealer's best four card hand is used to determine a final outcome of the wagering game. Applicants have also clarified that the published ranking of hands is a published ranking of winning *four-card poker* hands. Neither of these features are taught or suggested by the prior art. Indeed, neither reference compares a player's cards to a best four card hand of a

dealer. Awada has no dealer, and the examiner has indicated that Applicants' previous arguments (in the response dated July 17, 2006), i.e., that Webb does not teach or suggest a 4-card poker game, were persuasive (see Office Action, p. 2, para. 1). Webb therefore also does not teach or suggest a best 4-card dealer hand.

In addition, no reference compares a four card hand to a published ranking of winning four-card poker hands. Awada, at an intermediate stage of the single player (i.e., no dealer) game, compares four of the player's five cards to a ranking of five-card poker hands. That is, Awada does not compare the player's best four cards to a possible straight, flush, or straight-flush-type hand (i.e., Awada requires five cards to make a straight or a flush). Based on each of the above, alone and/or in combination, the rejection of claim 1 is traversed, and claim 1 is allowable.

Applicants have amended claim 2 to be in independent form. Based on the agreement reached during the interview, claim 2 is allowable over the art of record.

Applicants have amended claim 3 to be in independent form, including the portions of claim 3 indicated by the examiner during the interview as being allowable subject matter over the art of record.

Claim 4 is dependent on claim 1, and is allowable for at least similar reasons as claim 1, and further based on the patentable recitations therein.

Claim 5 has been amended to further clarify an aspect of the wagering game wherein the dealer must achieve a qualifying hand of a predetermined rank before the player's support wager is active (i.e., subject to payment by the dealer if the player wins), similar to allowable claim 3.

Claim 6 is dependent on claim 5, and is allowable for at least similar reasons as claim 5, and further based on the patentable recitations therein.

Claim 8 is an independent claim, and has been amended to clarify that the dealer must have a qualifying hand of a predetermined rank before the player's support wager is active (i.e., subject to payment by the dealer if the player wins), similar to allowable claim 3.

Claim 9 is dependent on claim 1, and further clarifies an aspect of the wagering game wherein the dealer must achieve a qualifying hand of a predetermined rank before the player's support wager is active (i.e., subject to payment by the dealer if the player wins), similar to allowable claim 3.

Claim 10 is dependent on claim 8, and is allowable for at least similar reasons as claim 8, and further based on the patentable recitations therein.

Claims 11-19 are canceled.

Claim 20 is an independent claim, and has been clarified to indicate that best four-card hands are compared with respect to a ranking of winning four card poker hands, which is not taught or suggested by the prior art, as discussed during the interview. Claim 20 has also been amended to clarify that the comparison of a player's best four-card hand with a dealer's best four-card hand occurs to determine a final outcome of the wagering game, a feature which is also not taught or suggested by the prior art. Claim 20 is therefore allowable.

Claims 21-25 are dependent back to claim 20, and are allowable for at least similar reasons as claim 20, and further based on the patentable recitations therein.

Claims 26, 27, and 29 further clarify that the support wager must be proportionate to the first wager, a feature not taught or suggested by the prior art.

Claim 30 is dependent on claim 20, and clarifies that the ranking of four-card poker hands comprise a four card straight, a four card flush, and a four card straight flush, which is not taught or suggested by the prior art. Indeed, Awada does not even contemplate a ranking of 4 card hands, illustrated by Awada requiring five cards to compose a straight, flush, and straight-flush.

Claim 31 is dependent on claim 25, and clarifies an aspect of the wagering game wherein the dealer must achieve a qualifying hand of a predetermined rank before the player's support wager is active (i.e., subject to payment by the dealer if the player wins), similar to allowable claim 3.

**CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

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